



MILWAUKEE PUBLIC SCHOOLS

Department of Technology  
Central Services  
5225 West 70th Street  
Milwaukee WI 53201-2181  
414-475-8315

January 29, 2004

VIA United States Postal Service overnight

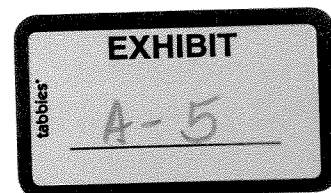
Letter of Appeal  
Schools and Libraries Division  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

**RE: CC Docket No. 02-6  
Request for Review**

**SLD Action Being Appealed:**

**Applicant Name:**  
**Entity Number:**  
**Form 471 Application Numbers:**  
**Funding Request Numbers:**  
**Funding Year:**  
**Service Provider Name:**  
**Contact for this Appeal:**

**FCDL denials dated December 2 and  
December 16, 2003  
Milwaukee Public Schools  
132882  
See Table Below  
See Table Below  
FY 2003 (July 1, 2003—June 30, 2004)  
See Table Below  
James E. Davis  
Director of Technology  
Milwaukee Public Schools  
P.O. Box 2181  
Milwaukee, WI 53201-2181  
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Form 471 Application Number	Funding Request Number	Service Provider Name	Pre-discount Amount
362581	982951	Berbee Information Networks Corp.	\$210,000.
354664	984067	Town & Country Electric	\$68,757.
355364	982736	Apple Computer, Inc.	\$621,813.
355983	965238	D.S. Electrical Contractors, Inc.	\$46,350.
356089	965311	D.S. Electrical Contractors, Inc.	\$48,911.
356103	965362	Staff Electric	\$79,580.
356482	967439	Connectivity Solutions, Inc.	\$45,315.
354623	964529	Wil-Surge Electric, Inc.	\$43,931.
356466	967389	Connectivity Solutions, Inc.	\$59,474.
356436	967355	Connectivity Solutions, Inc.	\$63,453.
356424	984385	Town & Country Electric	\$105,439.
356146	967099	Wil-Surge Electric, Inc.	\$23,531.
356155	967154	Staff Electric	\$214,356.
356161	984291	Town & Country Electric	\$75,156.
356413	967260	Wil-Surge Electric, Inc.	\$97,560.
356151	967126	Connectivity Solutions Inc.	\$46,620.
356131	965976	Wil-Surge Electric, Inc.	\$51,260.
356508	967469	Wil-Surge Electric, Inc.	\$50,274.
359965	982446	Munger Technical Services	\$175,000.
355930	984144	Town & Country Electric	\$54,064.
355875	984361	Wil-Surge Electric, Inc.	\$68,771.
356526	1032400	Town & Country Electric	\$23,490.
360233	982537	Sun Microsystems, Inc.	\$936,421.03
360268	982622	Munger Technical Services	\$357,075.
360288	982852	AE Business Solutions dba Accounting Equipment Corp.	\$330,000.00.
360321	1040965	SBC Wisconsin	\$149,854.
360674	1043074	Mitel Network Solutions, Inc.	\$150,000.
361617	1046566	Courtney Industrial Battery, Inc.	\$148,533.
361643	1048978	RCC Consultants, Inc.	\$176,100.
356135	966044	D.S. Electrical Contractors, Inc.	\$51,779.00.
381644	1050699	WiscNet	\$205,500.
381593	1050584	TDS Net dba TDS Telecom	\$205,500.
361703	1043797	SBC Wisconsin	\$1,418,976.
356157	967216	Staff Electric	\$129,452.

To Whom It May Concern:

In funding commitment decision letters issued by the SLD on December 2, and December 16, 2003, the Milwaukee Public Schools (MPS) was denied funding for the E-rate Application Numbers cited above because the SLD claimed that "[N]o contract or legally binding agreement was in place when the Form 471 was filed." The Milwaukee Public Schools is hereby appealing those decisions.

The FCC Form 471 Instructions for Funding Year 2003 dated December 2002 stated the following:

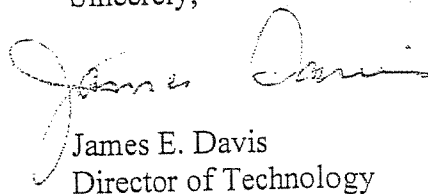
**"Signed Contracts:** You MUST have a signed contract (or a legally binding agreement between you and your service provider preparatory to a formal signed contract) for all services you order on your Form 471 except:

- *Tariffed services:* Telecommunications services that you purchase at prices regulated by your state regulatory commission and/or the FCC, which do not require a signed written contract.
- *Month-to-Month Services:* Month-to-Month services which do not require a signed, written contract. Your billing arrangement signifies that you are receiving your services on a month-to-month basis.

Note: You must file a Form 470 and seek competitive bids for tariffed or month-to-month services each funding year."

We have requested a legal opinion from the Milwaukee City Attorney as to whether the Milwaukee Public Schools, under the laws of the State of Wisconsin, had a legally binding agreement with its vendors for the services ordered on our Forms 471. The legal opinion of the City Attorney is enclosed. In that document, the City Attorney concludes that it is their opinion that the Milwaukee Public Schools "had a legally enforceable agreement in place with each of its selected vendors prior to the E-rate deadline." Therefore, we are asking that the SLD reverse their funding denials for the applications cited above and award the funding commitments for these services.

Sincerely,



James E. Davis  
Director of Technology

Enclosure: Legal Opinion of the Milwaukee City Attorney